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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MONROE DIVISION

MARIO JIMINEZ

CIVIL ACTION NO. 3:07-CV-0219

VS.

SECTION P

HARVEY GRIMMER, WARDEN

JUDGE JAMES

MAGISTRATE JUDGE HAYES

3:07-CV-187-MEF

MEMORANDUM ORDER

Before the Court is a petition for writ of *habeas corpus* (28 U.S.C. § 2254) filed by *pro se* petitioner Mario Jiminez on February 6, 2007. Petitioner is an inmate in the custody of the Alabama Department of Corrections. He is, however, incarcerated at the West Carroll Parish Detention Center in Epps, Louisiana. On November 8, 2005, petitioner was convicted of First Degree Rape in Alabama's Thirty-Seventh Judicial Circuit Court, Lee County, and sentenced to serve thirty-years in the custody of the Alabama Department of Corrections. It is that conviction that he collaterally attacks in the instant § 2254 petition.

28 U.S.C. §2241(d) provides,

Where an application for a writ of *habeas corpus* is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

Although petitioner is incarcerated within the jurisdiction of this court, he is apparently still in the legal custody of the Alabama Department of Corrections, and he is in custody as a result of the judgment of an Alabama court. The undersigned finds that the ends of justice would be furthered by transferring this application to the United States District Court where petitioner was convicted, because that is where the challenged action occurred and it would be more convenient for witnesses should a hearing be required. According to the petition, Mr. Jiminez was convicted in Lee County, Alabama. Lee County lies within the geographical jurisdiction of the Eastern Division of the United States District Court for the Middle District of Alabama.

Accordingly,

IT IS ORDERED that the petition for writ of *habeas corpus* be and it is hereby **TRANSFERRED** to the Eastern Division of the United States District Court for the Middle District of Alabama.

In chambers, Monroe, Louisiana, on this 26th day of February, 2007.



KAREN L. HAYES
U. S. MAGISTRATE JUDGE